

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

THE COUNTRY VINTNER OF NORTH
CAROLINA LLC,
Plaintiff,

v.

E. & J. GALLO WINERY, INC.,
Defendant.

JUDGMENT

No. 5:09-CV-326-BR

Decision by Court.

This action came before Senior United States District Judge W. Earl Britt for consideration of plaintiff's motion for partial summary judgment and defendant's motion for summary judgment.

IT IS ORDERED, ADJUDGED AND DECREED that plaintiff The Country Vintner of North Carolina LLC's motion for partial summary judgment is DENIED and defendant E. & J. Gallo Winery, Inc.'s motion for summary judgment is GRANTED, and this case is closed.

IT IS FURTHER ORDERED that all remaining pending motions filed by plaintiff The Country Vintner of North Carolina LLC are DENIED AS MOOT.

This judgment filed and entered on October 18, 2010, and served on:

Justin David Howard (via CM/ECF Notice of Electronic Filing)
Andrew E. Kristianson (via CM/ECF Notice of Electronic Filing)
Lisa M. Sharp (via CM/ECF Notice of Electronic Filing)
Stephen D. Busch (via CM/ECF Notice of Electronic Filing)
M. Keith Kapp (via CM/ECF Notice of Electronic Filing)
Jennifer A. Morgan (via CM/ECF Notice of Electronic Filing)
Jonathan Ryan Bumgarner (via CM/ECF Notice of Electronic Filing)

October 18, 2010

/s/ Dennis P. Iavarone
Clerk of Court